

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-CV40147-FDS

TOMMARK, INC. d/b/a STERLING)
ASSOCIATES,)
Plaintiff,)
)
v.)
)
TRAVELERS PROPERTY AND)
CASUALTY COMPANY n/k/a THE ST.)
PAUL TRAVELERS COMPANIES, INC.)
Defendant)
_____)

JOINT STATEMENT OF THE PARTIES
PURSUANT TO LOCAL RULE 16.1(d)

Pursuant to Rule 16.1(d) of the Local Rules of the United States District Court for the District of Massachusetts, plaintiff Tommark, Inc. d/b/a Sterling Associates and defendants The Travelers Indemnity Company and Travelers Property Casualty Company of America f/k/a Travelers Indemnity Company of Illinois (incorrectly pled as Travelers Property and Casualty Company n/k/a The St. Paul Travelers Companies, Inc.) propose the following schedule for the subject litigation.

I. PROPOSED AGENDA OF MATTERS TO BE DISCUSSED AT SCHEDULING CONFERENCE

Establishment of a pre-trial schedule, including, but not limited to, non-expert discovery, dispositive motions and expert discovery.

II. JOINT DISCOVERY PLAN AND FILING OF MOTIONS

A. Initial Disclosures

Both parties shall serve their initial disclosures by February 16, 2006.

B. Motions to Amend Pleadings

All motions to amend pleadings shall be served by March 15, 2006.

C. Non-Expert Discovery

1. All requests for production of documents and interrogatories shall be served by April 4, 2006;
2. All responses to requests for production of documents and interrogatories shall be served by May 23, 2006;
3. All requests for admissions shall be served by June 27, 2006;
4. All responses to requests for admissions shall be served by August 1, 2006; and
5. All non-expert depositions shall be completed on or before September 29, 2006.

D. Dispositive Motions

The parties shall file all dispositive motions prior to engaging in expert discovery. All dispositive motions, including motions for summary judgment pursuant to Fed. R. Civ. P. 56, shall be filed on or before December 5, 2006. All oppositions to dispositive motions shall be filed on or before January 16, 2007.

E. Expert Discovery

The parties reserve the right to disclose experts and engage in expert discovery, if necessary, after the dispositive motions have been ruled upon. In the event that the parties decide to conduct expert discovery, a revised proposed discovery schedule will be submitted to this Court for its consideration and approval.

III. STATUS CONFERENCE

The parties propose that a status conference be held on or about March 15, 2007 or at the Court's convenience after the completion of expert discovery.

IV. PRE-TRIAL CONFERENCE

The parties propose that the Court schedule a pre-trial conference at its convenience.

V. TRIAL BEFORE A MAGISTRATE

All parties have not consented to a trial before a United States Magistrate at this time.

VI. ALTERNATIVE DISPUTE RESOLUTION

The parties consent to considering participating in alternative dispute resolution at the appropriate time.

VII. SETTLEMENT PROPOSAL

Given the early stage of the litigation, the parties have not yet engaged in substantive settlement discussions, but are willing to do so as the matter progresses.

VIII. CERTIFICATIONS

The parties have conferred with their clients as to establishing a budget for the costs of conducting this litigation and with respect to alternative dispute resolution programs. Certificates pursuant to Local Rule 16.1(d)(3) will be or have been submitted separately.

IX. ADDITIONAL ISSUES

None.

The Plaintiff,
Tommark, Inc. d/b/a Sterling
Associates,
By its attorneys,

The Defendant,
The Travelers Indemnity Company and
Travelers Property Casualty Company
of America f/k/a Travelers Indemnity
Company of Illinois (incorrectly pled as
Travelers Property and Casualty Company
n/k/a The St. Paul Travelers Companies,
Inc.),
By its attorneys,

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Dated: January __, 2006